

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CHRISTIN KELLY,

Plaintiff,

v.

NANCY A. BERRYHILL,

Defendant.

CASE NO. C16-0037-JCC

ORDER

This matter comes before the Court on Plaintiff's unopposed motion for attorney fees (Dkt. No. 25).

Whenever a court renders a judgment favorable to a claimant under this subchapter who was represented before the court by an attorney, the court may determine and allow as part of its judgment a reasonable fee for such representation, not in excess of 25 percent of the total of the past-due benefits . . . .

42 U.S.C. § 406(b)(1)(A). Plaintiff agreed to pay his attorney 25% of his past-due benefits if his Social Security appeal was successful. (Dkt. No. 25-5.) Plaintiff's appeal was successful, and the total award is at least \$149,836 in past-due benefits. (Dkt. Nos. 25-3, 25-4.) In accordance with the fee agreement, Plaintiff asks this Court to authorize a fee of \$37,459 to be paid to his attorney. (Dkt. No. 25 at 1.) The Court finds that the total fee is reasonable given that it comports with the fee agreement, counsel's representation was effective, there was no undue delay, and the fee does not represent a windfall. (*See* Dkt. Nos. 25, 25-5, 25-6, 25-7.) The Commissioner does

1 not oppose the request or the amount of fees. (*See* Dkt. No. 26.)

2 Plaintiff's motion for attorney fees (Dkt. No. 25) is GRANTED. Plaintiff's counsel is  
3 awarded attorney fees of \$37,459 pursuant to 42 U.S.C. § 406(b). Such funds shall be paid to  
4 Robert A. Friedman, PO Box 1064, Rochester, WA 98579. The attorney fees totaling \$5,048.38  
5 granted pursuant to the Equal Access to Justice Act shall be refunded to Plaintiff upon counsel's  
6 receipt of the 406(b) fee awarded.

7 DATED this 12th day of July 2019.

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A handwritten signature in black ink, reading "John C. Coughenour", is written over a horizontal line.

John C. Coughenour  
UNITED STATES DISTRICT JUDGE